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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,560	11/10/1999	DAVID J. KURLANDER	662005.469C1	8160

27195 7590 06/02/2005

AMIN & TUROCY, LLP  
24TH FLOOR, NATIONAL CITY CENTER  
1900 EAST NINTH STREET  
CLEVELAND, OH 44114

EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/437,560		KURLANDER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Namitha Pillai		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-22 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 and 26-37 is/are allowed.
- 6) ☒ Claim(s) 38-47 is/are rejected.
- 7) ☒ Claim(s) 45-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*HL*

## DETAILED ACTION

### *Claim Objections*

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 45-48 have been renumbered 44-47. *Claim Rejections - 35 USC §*

### *102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38-43 and 44-47 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 5, 594, 856 (Girard).

Referring to claims 38 and 47, Girard discloses a system that generates a user interface output controller, with a compiler that compiles one or more specifications regarding a plurality of goal UIOSes (Figure 33). Girard discloses a compiled user interface output controller, generated by the compiler, that is distinct from an application program (column 10, lines 21-31).

Referring to claim 39, Girard discloses an input component to receive an event from the application program, with the event identifying one or more goal user interface output states

(column 3, lines 55-60). Girard discloses a first determinor that determines a current user interface output state in a user identifies one or more goal user interface output states interface output sequence (column 12, lines 41-44). Girard discloses a second determinor that determines a sequence of operators which transform the determined current user interface output state into at least one intermediate user interface output state and then into the identified goal user interface output state (column 12, lines 50-65). Girard discloses a sequencer that comprises a sequence of operators that after execution of each operator in sequence other than the last operator, the precondition of a next operator in the sequence is satisfied (column 17, lines 35-40). Girard discloses an executor that executes the sequence of operators to transform the determined current user interface output state into the at least one intermediate user interface output state and then into the identified goal user interface output state so as to display the sequence of operators on a display device (column 12, lines 50-65).

Referring to claim 40, Girard discloses that the received event identifies a timing specification that determines the time in which the sequence of operators is performed (column 3, lines 42-46).

Referring to claim 41, Girard discloses a timer that determines the time in which the sequence of operators is performed (column 7, lines 11-14).

Referring to claim 42, Girard discloses a storage that stores the compiled user interface output controller in memory (column 6, lines 1-5).

Referring to claim 43, Girard discloses a method for generating a user interface output controller by retrieving at least one specification identifying at least one goal user interface output state for the user interface output controller to establish (column 3, lines 55-60). Girard

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discloses at least one specification further comprising at least one operator for specifying actions to be performed by the compiled user interface output controller, each operator having least one precondition to be satisfied before the operator can be executed (column 17, lines 35-40). Girard discloses compiling the at least one specification to create a user interface output controller distinct from an application program (column 10, lines 21-31).

Referring to claim 44, Girard discloses identifying a timing specification Which determines the time in which the sequence of operators is to be performed (column 3, lines 42-46).

Referring to claim 45, Girard discloses determining the time in which the sequence of operators is performed (column 7, lines 11-14).

Referring to claim 46, Girard discloses storing the compiled user interface output controller in memory (column 6, lines 1-5).

### ***Response to Arguments***

3. Applicant's arguments filed 3/21/05 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

4. Claims 14-22 and 26-37 are allowed. The following is an examiner's statement of reasons for allowance:

With respect to claims 14, 22, 26, 29, 32, 33 and 37, the prior art teaches method for an application program with a plurality of User Interface Output States represented as a user interface output controller for the generation of an user interface output sequence. But the prior art does not in combination with the details of the functionality of this user interface output

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controller, disclose that distinct components such as the application program, compiler and the user interface output controller are distinct components acting as separate entities to carry out the functionality described in the independent claims that are allowed. Girard teaches a user interface output controller that carries out the generation of a user interface output sequence by a compiler and a distinction from an application, allowing this reference to be used in the rejection of the broader claims 38-43 and 44-47 as disclosed above. Girard does not properly tie in the relationship of an application program referred to in the teachings with how this application program plays an integral role in carrying out the user interface output sequence through event triggers, while clearly teaching that there is a distinction between the application component and user interface output controller, which has been taught by claims 14, 22, 26, 29, 32, 33 and 37.

Since claims 15-21, 27-28, 30-31 and 34-36 depend on claims 14, 22, 26, 29, 32, 33 and 37 and include all of the limitations of these claims, claims 15-21, 27-28, 30-31 and 34-36 are considered allowable for the reasons in which claim 14, 22, 26, 29, 32, 33 and 37 is allowable.

### ***Conclusion***

5. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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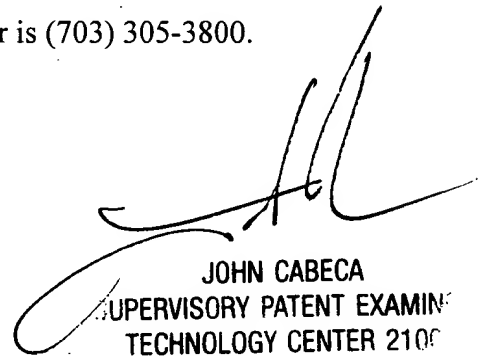
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
May 27, 2005



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